

REMARKS

The final Office Action mailed October 25, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-5, 7, 11, 17 and 19-23 are now pending in this application. Claims 1-5 and 7 are allowed. Claims 11, 12, 14-17 and 19-23 stand rejected. Claim 13 is objected to. Claims 12 and 13 have been canceled.

Applicants acknowledge and thank the Examiner for the indication that Claim 13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The rejection of Claims 11, 16 and 21-23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,241,668 to Carroll (hereinafter referred to as “Carroll”) is respectfully traversed.

Carroll describes a frame for mounting a container and cover under a supply shelf. One end of the frame includes fixed hooks that engage a first rail of the shelf and the other end includes spring-loaded catches that engage a second rail of the shelf.

Claim 11 recites a method for assembling a refrigerator drawer assembly comprising “forming a pan support wire member from a continuous wire, the pan support wire member having a first side and a second side; providing a plurality of substantially identical brackets including a first bracket and a second bracket; removably coupling the first bracket to the first side using a first U-shaped member; and removably coupling the second bracket to the second side using a plurality of hooks.”

Claim 11 now incorporates the recitations of Claims 12 and 13. Claim 13 was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully submit that Claim 11 is in condition for allowance and notification to that effect is solicited.

Claim 16 has been previously canceled.

Claim 21 recites a refrigerator drawer assembly comprising “a pan support comprising a continuously formed wire member having a first side and a second side, said

first side defining a channel and said second side including a plurality of hooks; a first bracket coupled to said first side such that said first bracket is removable without tools, said first bracket forming a lip positioned within said channel; and a second bracket coupled to said second side such that said second bracket is removable without tools, said second bracket defining a plurality of apertures for receiving a corresponding hook of said plurality of hooks.”

Carroll does not describe or suggest a refrigerator drawer assembly, as recited in Claim 21. More specifically, Carroll does not describe or suggest a pan support comprising a continuously formed wire member having a first side and a second side, said first side defining a channel and said second side including a plurality of hooks; a first bracket coupled to said first side such that said first bracket is removable without tools, said first bracket forming a lip positioned within said channel; and a second bracket coupled to said second side such that said second bracket is removable without tools, said second bracket defining a plurality of apertures for receiving a corresponding hook of said plurality of hooks, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Carroll describes a frame for mounting a container and cover under a supply shelf.

Accordingly, for at least the reasons set forth above, Claim 21 is submitted to be patentable over Carroll.

Claims 22 and 23 depend directly from independent Claim 21. When the recitations of Claims 22 and 23 are considered in combination with the recitations of Claim 21, Applicants submit that dependent Claims 22 and 23 are likewise patentable over Carroll.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 11, 16 and 21-23 be withdrawn.

The rejection of Claims 11, 12, 14, 15 and 21-23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,352,431 to Smith (hereinafter referred to as “Smith”) is respectfully traversed.

Smith describes an adjustable shelf (12) that is swingable between a first and a second horizontal position and locked in position by placing an end portion (14) of a frame member (13) in a support (20, 22) secured to a sidewall of the refrigerator.

Claim 11 recites a method for assembling a refrigerator drawer assembly comprising “forming a pan support wire member from a continuous wire, the pan support wire member having a first side and a second side; providing a plurality of substantially identical brackets including a first bracket and a second bracket; removably coupling the first bracket to the first side using a first U-shaped member; and removably coupling the second bracket to the second side using a plurality of hooks.”

Claim 11 now incorporates the recitations of Claims 12 and 13. Claim 13 was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully submit that Claim 11 is in condition for allowance and notification to that effect is solicited.

Claims 12, 14 and 15 have been canceled.

Claim 21 recites a refrigerator drawer assembly comprising “a pan support comprising a continuously formed wire member having a first side and a second side, said first side defining a channel and said second side including a plurality of hooks; a first bracket coupled to said first side such that said first bracket is removable without tools, said first bracket forming a lip positioned within said channel; and a second bracket coupled to said second side such that said second bracket is removable without tools, said second bracket defining a plurality of apertures for receiving a corresponding hook of said plurality of hooks.”

Smith does not describe or suggest a refrigerator drawer assembly, as recited in Claim 21. More specifically, Smith does not describe or suggest a pan support comprising a continuously formed wire member having a first side and a second side, said first side defining a channel and said second side including a plurality of hooks; a first bracket coupled to said first side such that said first bracket is removable without tools, said first bracket forming a lip positioned within said channel; and a second bracket coupled to said second side such that said second bracket is removable without tools, said second bracket defining a plurality of apertures for receiving a corresponding hook of said plurality of hooks, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Smith describes an adjustable shelf that is swingable between a first and a second horizontal position and locked in position by placing an end portion of a frame member in a support secured to a sidewall of the refrigerator.

Accordingly, for at least the reasons set forth above, Claim 21 is submitted to be patentable over Smith.

Claims 22 and 23 depend, directly or indirectly, from independent Claim 21. When the recitations of Claims 22 and 23 are considered in combination with the recitations of Claim 21, Applicants submit that dependent Claims 22 and 23 are likewise patentable over Smith.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 11, 12, 14, 15 and 21-23 be withdrawn.

The rejection of Claims 11, 12 and 21-23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,155,284 to Steenstrup (hereinafter referred to as "Steenstrup") is respectfully traversed.

Steenstrup describes a removable frame (37) mounted on pins (38) secured to the cabinet wall. In order to prevent slipping of the frame (37) on pins (38), pins (39) are secured to the frame (37) and engage the pins (38).

Claim 11 recites a method for assembling a refrigerator drawer assembly comprising "forming a pan support wire member from a continuous wire, the pan support wire member having a first side and a second side; providing a plurality of substantially identical brackets including a first bracket and a second bracket; removably coupling the first bracket to the first side using a first U-shaped member; and removably coupling the second bracket to the second side using a plurality of hooks."

Claim 11 now incorporates the recitations of Claims 12 and 13. Claim 13 was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully submit that Claim 11 is in condition for allowance and notification to that effect is solicited.

Claim 12 has been canceled.

Claim 21 recites a refrigerator drawer assembly comprising "a pan support comprising a continuously formed wire member having a first side and a second side, said first side defining a channel and said second side including a plurality of hooks; a first bracket coupled to said first side such that said first bracket is removable without tools, said

first bracket forming a lip positioned within said channel; and a second bracket coupled to said second side such that said second bracket is removable without tools, said second bracket defining a plurality of apertures for receiving a corresponding hook of said plurality of hooks.”

Steenstrup does not describe or suggest a refrigerator drawer assembly, as recited in Claim 21. More specifically, Steenstrup does not describe or suggest a pan support comprising a continuously formed wire member having a first side and a second side, said first side defining a channel and said second side including a plurality of hooks; a first bracket coupled to said first side such that said first bracket is removable without tools, said first bracket forming a lip positioned within said channel; and a second bracket coupled to said second side such that said second bracket is removable without tools, said second bracket defining a plurality of apertures for receiving a corresponding hook of said plurality of hooks, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Steenstrup describes a removable frame (37) mounted on pins (38) secured to the cabinet wall. In order to prevent slipping of the frame (37) on pins (38), pins (39) are secured to the frame (37) and engage the pins (38).

Accordingly, for at least the reasons set forth above, Claim 21 is submitted to be patentable over Steenstrup.

Claims 22 and 23 depend directly from independent Claim 21. When the recitations of Claims 22 and 23 are considered in combination with the recitations of Claim 21, Applicants submit that dependent Claims 22 and 23 are likewise patentable over Steenstrup.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 11, 12 and 21-23 be withdrawn.

The rejection of Claims 17, 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication 2002/0084734 to Shih (hereinafter referred to as “Shih”) is respectfully traversed.

Shih describes a slide rail structure for a case cabinet that includes slide rails and a device case coupled to each slide rail.

Claim 17 recites a pan support assembly comprising “a pan support wire member comprising a first side including a U-shaped member and a second side including a plurality of hooks; and a bracket comprising: a sidewall; a first rail extending from said sidewall, said first rail comprising a plurality of slots sized to receive said first U-shaped member; and a second rail extending from said sidewall, said second rail comprising at least one of a plurality of slots sized to receive a second U-shaped member extending from said pan support wire member and a plurality of apertures each sized to receive a hook extending from said pan support wire member; and wherein said first and said second rails each comprise an inwardly turned lip portion.”

Shih does not describe or suggest a pan support assembly, as recited in Claim 17. More specifically, Shih does not describe or suggest a pan support comprising a pan support wire member comprising a first side including a U-shaped member and a second side including a plurality of hooks; and a bracket comprising: a sidewall; a first rail extending from said sidewall, said first rail comprising a plurality of slots sized to receive said first U-shaped member; and a second rail extending from said sidewall, said second rail comprising at least one of a plurality of slots sized to receive a second U-shaped member extending from said pan support wire member and a plurality of apertures each sized to receive a hook extending from said pan support wire member, wherein said first and said second rails each comprise an inwardly turned lip portion, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Shih describes a slide rail structure for a case cabinet that includes slide rails and a device case coupled to each slide rail.

Accordingly, for at least the reasons set forth above, Claim 17 is submitted to be patentable over Shih.

Claims 19 and 20 depend directly from independent Claim 17. When the recitations of Claims 19 and 20 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 19 and 20 are likewise patentable over Shih.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 17, 19 and 20 be withdrawn.

The rejection of Claims 21 and 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,491,173 No. to Costa (hereinafter referred to as “Costa”) is respectfully traversed.

Costa describes a system for organizing a closet that includes a pair of slide rail assemblies and a basket coupled to each slide rail.

Claim 21 recites a refrigerator drawer assembly comprising “a pan support comprising a continuously formed wire member having a first side and a second side, said first side defining a channel and said second side including a plurality of hooks; a first bracket coupled to said first side such that said first bracket is removable without tools, said first bracket forming a lip positioned within said channel; and a second bracket coupled to said second side such that said second bracket is removable without tools, said second bracket defining a plurality of apertures for receiving a corresponding hook of said plurality of hooks.”

Costa does not describe or suggest a refrigerator drawer assembly, as recited in Claim 21. More specifically, Costa does not describe or suggest a pan support comprising a continuously formed wire member having a first side and a second side, said first side defining a channel and said second side including a plurality of hooks; a first bracket coupled to said first side such that said first bracket is removable without tools, said first bracket forming a lip positioned within said channel; and a second bracket coupled to said second side such that said second bracket is removable without tools, said second bracket defining a plurality of apertures for receiving a corresponding hook of said plurality of hooks, as required by Applicants' claimed invention. Rather, in contrast to the present invention, Costa describes a system for organizing a closet that includes a pair of slide rail assemblies and a basket coupled to each slide rail.

Accordingly, for at least the reasons set forth above, Claim 21 is submitted to be patentable over Costa.

Claim 22 depends from independent Claim 21. When the recitations of Claim 22 are considered in combination with the recitations of Claim 21, Applicants submit that dependent Claim 22 is likewise patentable over Costa.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 21 and 22 be withdrawn.

The rejection of Claims 17, 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over German Patent Reference DE 296 14 997 to Kesseboehmer (hereinafter referred to as

“Kesseboehmer”) in view of U.S. Patent No. 4,967,989 to Bender (hereinafter referred to as “Bender”) and U.S. Patent No. 3,611,661 to Chambers (hereinafter referred to as “Chambers”) is respectfully traversed.

Kesseboehmer, as best understood, describes a wire frame structure (1) having laterally projecting hooks (5) that are received in apertures (18) on a Z-shaped bracket (14). The bracket has a side wall (16), a first rail (13), and a second rail (15).

Bender describes a lift kit for raising the seat in an extended cab pick-up truck. The kit (10) includes a left bench bracket (12) and a right bench bracket (14). Each bracket includes a web portion, a bottom flange (16) having two holes (18) and a top flange (20) having two elongated holes (22).

Chambers describes an eve strut (6) and a bracket (7) to support the strut on the frame of a pre-engineered metal building. The bracket (as best shown in Figure 2) includes a flat plate-like base (10), a flat riser (11) extending upwardly normal to the base, and a gusset (12) connected to the base and the riser.

Applicants respectfully traverse the assertion in the Office Action that Chambers, in Figure 3, describes a bracket having a sidewall, rails and a lip portion. Rather, a closer reading of Chambers indicates that, rather than a bracket, Figure 3 in fact shows a cross section of the strut (6) to which the bracket (7) is attached.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Kesseboehmer, Bender, and Chambers, considered alone or in combination, describes or suggests the claimed combination.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In the present case, none of Kesseboehmer, Bender, and Chambers, considered alone or in combination, describes or suggests a bracket including first and second rails, each having an inwardly turned lip portion.

“In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). In the present case, Kesseboehmer, as best understood, describes brackets attached to a wire basket, Bender relates to seat brackets in a pick-up truck, while Chambers relates to a bracket for supporting an eave strut on a metal building. Applicants respectfully submit that these references neither relate to the field of brackets for refrigerator pan supports, nor do they relate to a problem of supporting a refrigerator pan on a wire frame. Moreover, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP § 2143.01. Applicants submit that no suggestion for combining the cited references is shown. For these reasons alone, Applicants respectfully request that the Section 103 rejection be withdrawn.

Nevertheless, in order to expedite prosecution of the subject application, Claim 17 has been amended to recite a pan support assembly comprising “a pan support wire member comprising a first side including a U-shaped member and a second side including a plurality of hooks; and a bracket comprising: a sidewall; a first rail extending from said sidewall, said first rail comprising a plurality of slots sized to receive said first U-shaped member; and a second rail extending from said sidewall, said second rail comprising at least one of a plurality of slots sized to receive a second U-shaped member extending from said pan support wire member and a plurality of apertures each sized to receive a hook extending from said pan support wire member; and wherein said first and said second rails each comprise an inwardly turned lip portion.”

None of Kesseboehmer, Bender, and Chambers, considered alone or in combination describes or suggests a pan support assembly as recited in Claim 17. More specifically, none of Kesseboehmer, Bender, and Chambers, considered alone or in combination, describes or suggests a pan support assembly comprising “a pan support wire member comprising a first side including a U-shaped member and a second side including a plurality of hooks; and a bracket comprising: a sidewall; a first rail extending from said sidewall, said first rail comprising a plurality of slots sized to receive said first U-shaped member; and a second rail

extending from said sidewall, said second rail comprising at least one of a plurality of slots sized to receive a second U-shaped member extending from said pan support wire member and a plurality of apertures each sized to receive a hook extending from said pan support wire member; and wherein said first and said second rails each comprise an inwardly turned lip portion. Rather Kesseboehmer describes a Z-shaped bracket with apertures in one rail. Bender describes a pick-up truck seat bracket having holes in a bottom rail and elongated holes in a top rail. Chambers describes a strut with a lip. Accordingly, for the reasons set fourth above, Claim 17 is submitted to be patentable over Kesseboehmer in view of Bender and further in view of Chambers.

Claims 19 and 20 depend directly from independent Claim 17. When the recitations of Claims 19 and 20 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 19 and 20 likewise are patentable over Kesseboehmer in view of Bender and further in view of Chambers.

For at least the reasons set fourth above, Applicants respectfully request that the Section 103(a) rejection of Claims 17, 19 and 20 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

Eric T. Krischke
Eric T. Krischke
Registration No. 42,769
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070